IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 12576 of 2006

DATED: 23-06-2006

Between:

M.Chandraiah petitioner

And

The Singareni Collieries Co Ltd
Rep by its General Manager, Bellampalli,
Adilabad district and another respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 12576 of 2006

ORAL ORDER:

The present writ petition is filed questioning the proceedings dated 20.3.2006 informing the petitioner that he would be attaining the age of superannuation of 60 years on 06.06.2006 and would retire from service of company after office hours on 30.06.2006.

In the affidavit filed along with the writ petition, it is stated that the petitioner is working as sweeper in the Area Hospital, Singareni Collieries company, Bellampalli, having joined in the year 1982. The petitioner claims that he born on 6.6.1951 and his school records i.e., Transfer certificate issued by the Tribal Training Centre, Ginnedari village, Asifabad taluk, Adilabad district also indicate the same and alleges that in the records of the respondent company, his date of birth was wrongly noted.

The learned Standing Counsel for respondent company, submitted that the date of birth of the petitioner was recorded as 6.6.1946 as per his Secondary School Leaving Certificate and the Transfer Certificate. The copies of relevant documents were produced before this Court.

Heard the learned counsel for petitioner and learned Standing Counsel for respondent company and perused the material available

on record, including the Xerox copies of the documents submitted by learned standing counsel for respondent.

The petitioner has joined the respondent company on 17.3.1982 and after lapse of about 12 years, on an application made by the petitioner for assessment of age, the Medical Superintendent, Area Hospital, Bellampalli issued letter dated 7.11.1994 advising the petitioner to clarify as to why he has not submitted the study certificate to record his age at the time of initial appointment. The petitioner submitted an application dated 7.12.1994 stating that he was not asked to submit the certificate indicating his date of birth at the time of appointment and he would like to represent the matter for assessment of his age. The General Manager, Bellampalli vide letter dated 26.7.1995 directed the petitioner along with others to attend the Area Level Age Assessment Committee on 28.7.1995 for assessment of their age. The Area Level Age Assessment Committee, Bellampalli area met on 28.7.1995 and having regard to the Second School Leaving Certificate dated 12.4.1967 submitted by the petitioner confirmed the date of birth of the petitioner as 6.6.1946. The petitioner endorsed his signature agreeing with the decision of the assessment of the Committee recording his date of birth as 6.6.1946. The General Manager, Bellampalli vide letter dated 29.7.1995 requested the Medical Superintendent to incorporate the date of birth of the petitioner in the records as 6.6.1946. The Chief Medical Officer, vide letter dated 25.1.2005 has given an advance intimation to the petitioner of his date of retirement as 30.6.2006 on attaining the age of superannuation of 60 years. In pursuance of the said letter, the impugned letter dated 20.3.2006 was issued retiring the petitioner from 30.6.2006.

The petitioner having appeared before the Area Level Age

Assessment Committee on 28.7.1995 and having accepted the assessment made by the committee regarding his date of birth as 6.6.1946 in terms of Secondary School Leaving Certificate, cannot question the impugned proceedings and contend that his date of birth was wrongly recorded in the records of the company. The Transfer Certificate and Secondary School Certificate of the petitioner were issued by Parishad High School, Peddapalli, wherein the date of birth of the petitioner was clearly recorded as 6.6.1946. Based on the said two certificates and in terms of circular guidelines in Circular No. P.49/4702/IR/1270 dated 1.8.1988, the committee has assessed and recorded the date of birth of the petitioner as 6.6.1946. The petitioner has accepted the decision of the Committee and also endorsed his signature. Thus, it is not the case of the petitioner that he is unaware of the fact that his date of birth was wrongly recorded in the records of the company and he came to know about the same on receipt of the impugned proceedings. The petitioner having requested the authorities to permit him to represent the matter before the Age Assessment Committee and having attended the meeting of the Committee held on 28.7.1995 and particularly having accepted the decision of the Committee, now at the fag end of his career, cannot contend that his date of birth was wrongly recorded and he is due to retire in the year 2011 in terms of Transfer certificate issued by Tribal Training Centre, Social Service Department wherein his date of birth was recorded as 25.07.1956. The transfer certificate issued by Tribal Training Centre is dated 22.6.1961, i.e., much prior to the date of petitioner joining the respondent company. It is not the case of the petitioner that he has submitted the said certificated 22-6-1961 before the concerned authorities or before the Age Assessment Committee and the same was not considered. Therefore, the writ petition is

devoid of any merit and the above facts would clearly demonstrate that the petitioner has misrepresented and the present litigation is speculative one. Such a speculative litigation cannot be encouraged and the same has to be dealt with iron hands.

For the foregoing reasons, the writ petition is dismissed with exemplary costs quantified at Rs.10,000/- (Rupees ten thousand only). The petitioner shall deposit the costs within a period of four weeks in the Registry. It is only upon production of receipt, evidencing payment of the costs, as ordered by this court, the respondents shall release the terminal benefits to the petitioner. No costs.

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N.V.RAMANA,J

DATE:23-06-2006

TVK

Note: CC within one week.
B/O.

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